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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,373	09/18/2003	John C.W. Ngan	2482	8499

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EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/666,373

Applicant(s)

NGAN, JOHN C.W.

Examiner

Muthuswamy G. Manoharan

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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

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301-572-5515  
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**Response to Arguments for Final rejection**

Examiner respectfully disagrees with Applicant's assertion on Page 3 of the Remarks, "Byrne Abstract teaches.... Criterion".

Regarding claim 1, Byrne teaches," automatically transmitting a second feature code ("**automatically assigning and reassigning a user to one of radio telephone systems**", Byrne, Col. 4, lines 38-43) from said mobile station to a wireless network when said signal strength rises above said threshold level ("**predetermined criterion can be based on a number of features such as received signal strength**"; Byrne, Abstract), said second feature code deactivating (**reassigning**) said call forwarding (**assigning**)".

Akhteruzzaman teaches automatically transmitting a second feature code ("**automatic activation/deactivation**") from said mobile station to a wireless network (Col. 1, lines 65-67; Col. 2, lines 1-2). As mentioned in the previous Office action, the Applicant's method is a special case of Akhteruzzaman's method. Applicant considered call forwarding to a single directory number (a previously programmed directory number") and therefore, requires only a single criterion (based on signal strength) as to when to forward the call.

If Akhteruzzaman's list has only one telephone number then there is no need to find the GPS location and the incoming calls will be automatically forwarded to the single phone number in the event of weak signal. **Also, it is obvious to one of ordinary skill in the art to choose the same criterion (based on signal strength)**

**for activation and deactivation of call forwarding.** Byrne's reference is provided to further clarifying the teachings of Akhteruzzaman.

For the case of single telephone number call forwarding (as in the Applicant's method), one can use Akhteruzzaman's teachings (Figure 8 and Col. 8, lines 46-59, **"disabling automatic call forwarding"**).

Akhteruzzaman further teaches (Col. 8, lines 46-59) call deactivation when the **"subscriber leaves a zone"**. This implies that the mobile terminal is no longer in the same zone where the signal strength is weak, since the signal strength is a function of distance from the source. This also teaches that call forwarding is not a permanent one. The subscriber's system is always looking for the best for the situation. The subscriber of Akhteruzzaman has multiple choices to choose from since he has several directory numbers. Therefore, the subscriber performed call deactivation when he leaves a zone.


If Akhteruzzaman's subscriber has only a single number to forward call, then he will have to choose between the two numbers (wireless number and the fixed wireline number). **The subscriber does not need the GPS system to choose between different wireline numbers, since he has only one wireline number.** Also, Akhteruzzaman's subscriber is a mobile subscriber and therefore his obvious choice would be to receive the call in his mobile terminal than a fixed terminal. Therefore, the subscriber wants to be connected to the wireline only when the signal is weak. Therefore, it would be obvious (to a mobile subscriber who has only a single number to call forward) one of ordinary skill in the art at the time of invention, to use either the method of deactivating the call forwarding by using the criterion (signal strength based

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criterion) as suggested by Byrne or use the same criterion (signal strength based) used for the activation of call forwarding as suggested by Akhteruzzaman for deactivation also.

Examiner respectfully disagrees with Applicant's assertion on Page 5 of the Remarks, "Salcic provides ... claim dependency". Salcic reference is provided to show by reference that continuous monitoring of signal strength is built into GSM system and is well known in the art (rather than arguing that continuing to monitor signal strength at said mobile station during a period when call forwarding is activated is inherent).

In view of above, the rejection of claims 1-17 is maintained.

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER